

REMARKS

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for carefully considering this application.

Disposition of Claims

Claims 1-18 are currently pending. Claim 1 is independent. The remaining claims depend, directly or indirectly, from claim 1.

Rejection(s) under 35 U.S.C. § 112

Claims 6-8 and 11-14 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

With respect to claims 6-8, the Examiner asserts that it is unclear what is meant, in terms of structure, by the phrase “blind hole.” As can be seen in Figure 8 of the drawings, the blind hole (432) is merely a hole of circular cross-section intended to receive the open electric motor. It is called a blind hole in Figure 8 (as opposed to the through-hole describes in Figures 5-7) because it is capable only of partially receiving the open electric motor (*see* publication, paragraph [0034]), whereas the through holes in Figures 5-7 are capable of receiving the open electric motor, and are not limited to receiving only a portion thereof. When Figures 5-7 and 8 are compared, respectively, it is clear that the blind hole (432) is different from the through holes (132, 232, 332) due to its orientation with respect to the active surface its attachment to the rear part of the electric motor. Thus, Applicant respectfully asserts that the phrase “blind hole” has a specific structure that is different when compared to the through hole of other embodiments of the invention.

With respect to claims 11-14, the claims have been amended to recite “an active surface” rather than “a so-called active surface.” The active surface is a surface used to facilitate flow of air. *See* publication of present application, paragraph [0040]. Claim 14 is amended to clarify that the active surface is the element that extends discontinuously. Further, with respect to the Examiner’s comment regarding claim 14, the phrase describing the active surface as “extends discontinuously” is clear from the drawings. If Figures 5, 6, and 7 and 8 are compared, it is clear that in Figures 5 and 6, the active surface extends in continuity with the whole surface, i.e., either linearly or axially, whereas in Figures 7 and 8, only a small portion of the surface extends, which is described as extending “discontinuously” in the Specification and the claims. *See* publication of present application, paragraph [0040]. Thus, Applicant asserts that the phrase “extends discontinuously” is clear from the drawings.

Rejection(s) under 35 U.S.C. § 102

Claims 1-18 are rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent No. 6,384,494 (“Avidano”). For the following reasons, this rejection is respectfully traversed.

For anticipation under 35 U.S.C. § 102, “[a] claim is anticipated only if *each and every element* as set forth in the claims is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 (Fed. Cir. 1987) (emphasis added). Further, “[t]he identical invention must be shown in as complete detail as is contained in the claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236 (Fed. Cir. 1989). Applicant respectfully asserts that Avidano fails to disclose each and every element of the independent claim.

Specifically, Avidano fails to disclose “wherein the support comprises a central part which is connected in a substantially sealed manner to at least one peripheral portion of the open electric motor,” as required by independent claim 1. In fact, in Figure 3 as cited and reproduced by the Examiner on page 3 of the Action mailed November 10, 2008, a gap can clearly be seen between element 32 of Avidano (*i.e.*, the central part) and the electric motor (20). A complete reading of Avidano reveals that no mention is made of any contact of the central part with at least one portion of the periphery of the electric motor. Moreover, as the drawings in Avidano are side views only, there is no way to ascertain whether any contact between the central part of the support and the electric motor.

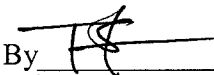
In view of the above, it is clear that the Examiner’s contentions fail to support an anticipation rejection of independent claim 1. Pending dependent claims are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number [17258/002001]).

Dated: May 11, 2009

Respectfully submitted,

By  #45,079
Jonathan P. Osha ~~THOMAS SCHULST~~
Registration No.: 33,986
OSHA · LIANG LLP
909 Fannin Street, Suite 3500
Houston, Texas 77010
(713) 228-8600
(713) 228-8778 (Fax)
Attorney for Applicant